

Issued: June 5, 2019

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
MONDAY, JUNE 3, 2019
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

FINAL MINUTES

ATTENDANCE: Chair: Kevin Ahern, Commissioner: Liz Gillette, Alternate: Gordon Binkhorst, Staff: Todd Dumais, Town Planner; Catherine Dorau, Associate Planner

ABSENT: Vice Chair: Kevin Prestage, Commissioners: John O'Donnell, Michele Maresca, Alternate: Andrea Gomes

CALL TO ORDER/ROLL CALL: 7:00 P.M.

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

Gordon Binkhorst seated for Kevin Prestage on all Items.

MINUTES:

1. Approval of Minutes:
 - a. Minutes of the Regular Meeting, Monday, May 6, 2019
Motion/Binkhorst; Second/Gomes; Vote 3-0. (Ahern, Gillette, Binkhorst)

COMMUNICATIONS:

2. Letters:
 - a. **Notice of Inland Wetlands and Watercourses Violation – 269 Ridgewood Road:**
Tree clearing and site disturbance at Wood Pond. *Received*
 - b. **Letter from Anthony Cornicello** on behalf of the owners of 2791, 2793, 2795, 2799 and 2801 Albany Avenue requesting a street name for a private access drive serving the subject lots. The proposed street name is Toll House Lane. *Approved. Motion/Gomes; Second/Binkhorst; 3-0.*



TOWN OF WEST HARTFORD

TOWN OF WEST HARTFORD
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NEW BUSINESS:

3. **23 LaSalle Road - Prai Kitchen** – Application (SUP# 1304-LB-19) of Kanitha Tongsri requesting TPZ review of compliance with the conditions of SUP #1304 approved June 5, 2017 for a four (4) seat outdoor dining area at Prai Kitchen (FKA Murasaki). (Submitted for TPZ receipt on June 3, 2019. Suggest required public hearing be scheduled for July 8, 2019.)

The TPZ acted by **unanimous vote (3 - 0)** (*Motion/ Binkhorst; Second/ Gillette*) (*Binkhorst seated for Prestage*) to schedule this matter for public hearing on **Monday, July 8, 2019 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

4. **289 South Main Street – Rockledge Golf Course** – Application (SUP# 1272-LB-19) of the Town of West Hartford (Helen Rubino-Turco, Director of Leisure Services), requesting TPZ review of compliance with the conditions of SUP #1272-R1-15 approved June 1, 2015 to allow, outdoor dining for an additional sixteen (16) seats for a maximum of seventy-two (72) seats. (Submitted for TPZ receipt on June 3, 2019. Suggest required public hearing be scheduled for July 8, 2019.)

The TPZ acted by **unanimous vote (3 - 0)** (*Motion/Gillette; Second/ Binkhorst*) (*Binkhorst seated for Prestage*) to schedule this matter for public hearing on **Monday, July 8, 2019 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

5. **289 South Main Street – Rockledge Golf Course** – Application (SUP# 1339) of the Town of West Hartford (Helen Rubino-Turco, Director of Leisure Services), requesting approval of a Special Use Permit to place a 12' x 16' storage shed on the north side of the building, Also proposed is an 8' x 10' fenced area for compost barrels. (Submitted for TPZ receipt on June 3, 2019. Suggest required public hearing be scheduled for July 8, 2019.)

The TPZ acted by **unanimous vote (3 - 0)** (*Motion/Binkhorst; Second/Gillette*) (*Binkhorst seated for Prestage*) to schedule this matter for public hearing on **Monday, July 8, 2019 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.**

6. **10-60 Starkel Road** – Application (IWW#1107), of Robin Pearson on behalf of West Hartford Fellowship Housing, Inc., requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland area. The proposed activities include the redevelopment of the Fellowship Housing complex and construction of new multifamily housing, related parking, landscaping and site improvements. A small portion of the proposal is within the 150' upland

review area. (Submitted for IWWA receipt on June 3, 2019. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, in accordance with the Town of West Hartford Inland Wetlands and Watercourse Regulations, the IWWA acted by a **vote of (3-0)** (Motion/ Gillette, Second/ Binkhorst) (Binkhorst seated for Prestage) and proposed regulated activity was found to be **NON-SIGNIFICANT** and thus conditionally approved the application based on the following findings:

10-60 STARKEL ROAD
INLAND WETLAND APPLICATION IWW #1107
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **10-60 Starkel Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1107** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities, which are made inevitable by the proposed regulated activity, will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical

improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located **10-60 Starkel Road.**

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) Prior to the start of any site disturbance, all sediment and erosion controls shall be installed.
- 4.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

OLD BUSINESS.

- 7. **380 Tunxis Road (a.k.a. Middle Road, Farmington)** – Application (IWW#1097) of Orchard Heights Developers, LLC, (R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland area. The applicant is proposing a six (6) lot subdivision with associated site improvements, including a proposed public cul-de-sac street, stormwater/drainage and site grading on an approximately 2.6 acre parcel of land. Much of the proposed work is within the 150' upland review areas. (Submitted for IWWA receipt on March 4, 2019. Determined to

be potentially significant and scheduled public hearing on April 1, 2019, hearing opened and immediately continued to May 6, 2019 and again to June 3, 2019.)

The IWWA kept open and immediately continued the matter to **Monday, July 8, 2019** at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

8. **380 Tunxis Road (a.k.a. Middle Road, Farmington)** – Application (SUB #298) of Orchard Heights Developers, LLC, (R.O.) requesting approval of a six (6) lot residential subdivision including a proposed public cul-de-sac street and stormwater drainage infrastructure on approximately 2.6 acres of land located in a R-10 single family zone. The applicant is requesting a waiver to the sidewalk requirement as required by Section 184-24 of the West Hartford Subdivision Regulations. (Submitted for TPZ receipt on March 4, 2019. Required public hearing scheduled for April 1, 2019, hearing opened and immediately continued to May 6, 2019 and again to June 3, 2019.)

The TPZ kept open and immediately continued the matter to **Monday, July 8, 2019** at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street

9. **106 South Street** – Application (SUP# 1301-LB-19) of Tri-Town Professional Office Building, LLC., R.O., (Bruce A. Fletcher, ACTS Ministries International, Inc., Applicant) requesting TPZ review of compliance with the conditions of SUP #1301 approved May 1, 2017. Original approval is for a place of worship and training for a maximum of 96 seats. (Submitted for TPZ receipt on May 6, 2019. Required public hearing scheduled for June 3, 2019.)

The TPZ acted by **unanimous vote (3-0)** (*Motion/Gillette; Second/Binkhorst*) (*Binkhorst seated for Prestage*) to determine that the Special Use Permit did not require additional conditions of approval.

10. **42 South Main Street - Cinapolis** – Application (SUP# 1338) of Michael Pease, on behalf of Connecticut Cinema Investments LLC, requesting approval of a Special Use Permit to add the service of alcoholic beverages as an adjunct to the primary function of viewing motion pictures or performing art. (Submitted for TPZ receipt on May 6, 2019. Required public hearing scheduled for June 3, 2019.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (3 - 0)** (*Motion/Binkhorst; Second/Gillette*) (*Binkhorst seated for Prestage*), to **APPROVE** the Special Use Permit application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by June 2021 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

11. **983 New Britain Avenue** – Application (IWW #1104), of Andrew E. Kearns (Attorney) on behalf of West Hartford No. 1, LLC, requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a watercourse, the Piper Brook. The applicant proposes site regrading and soil excavation in a parking lot area within the 150 ft. upland review area. The proposed work seeks to increase the flood storage capacity of the area, a requirement triggered by an off-site development proposal. (Submitted for IWWA receipt on May 6, 2019. Determined to be potentially significant and scheduled public hearing on June 3, 2019.)

The IWWA, per the applicant's request, opened and immediately continued the matter to **Monday, July 8, 2019** at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

12. **Town Right-of-Way just South of Mountain Road & Albany Avenue, and 5 Old Oak Road – Culvert – Town of West Hartford** – Application (IWW# 1102), of the Engineering Division of the Town of West Hartford, requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland area. The applicant is proposing to widen Mountain Road North & South of Albany Avenue to provide an additional travel lane and complete streets improvements. This work requires the existing box culvert carrying Mountain Farms Brook under Mountain Road

to be extended and additional grading within the 150 ft. upland review area. (Submitted for IWWA receipt on May 6, 2019. Determined to be potentially significant and scheduled for public hearing on June 3, 2019.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (3-0)** (Motion/ Binkhorst; Second/ Gillette) (Binkhorst seated for Prestage) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

**TOWN RIGHT-OF-WAY JUST SOUTH OF MOUNTAIN ROAD & ALBANY AVENUE, AND 5
OLD OAK ROAD
INLAND WETLAND APPLICATION IWW #1102
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **Town Right-of-Way just South of Mountain Road & Albany Avenue, and 5 Old Oak Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1102** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.
- [7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and
- [8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities, which are made inevitable by the proposed regulated activity, will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures, which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel(s) of land is located on or around the **Town Right-of-Way just South of Mountain Road & Albany Avenue, and on 5 Old Oak Road.**

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein and modified by the conditions below.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control as amended.
- 3.) Prior to the start of any site disturbance, all sediment and erosion controls shall be installed.
- 4.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

TOWN COUNCIL REFERRAL:

- 13. **Ordinance Permitting Cottage Food Operations in Residence Districts** (The Town Council at its meeting held on May 14, 2019 tabled the Ordinance Permitting Cottage Food Operations in Residential Districts to June 11, 2019. Town Council referred back to TPZ.) ***Recommend to Approve. Motion/Gillette; Second/ Binkhorst; Vote 3-0.***

14. **Application of Gastro Park, LLC to Amend the West Hartford Food Truck Park Substitutes Ordinance Amending the Zoning Standards Applicable to Food Truck Parks.** (Town Council receipt on May 14, 2019. Set for public hearing on June 25, 2019. Referred to Town Plan and Zoning Commission and Capital Region Council of Governments) *Recommend to Approve. Motion/Binkhorst; Second/Gillette; Vote 3-0.*

15. **Authorization of the Town Manger to Execute a Lease with the West Hartford Housing Authority.** (Town Council receipt on May 28, 2019. Referred to Town Plan and Zoning Commission.) *Recommend to Approve. Motion/Gillette; Second/ Binkhorst; Vote 3-0.*

TOWN PLANNER'S REPORT:

16. **Plan of Conservation and Development Update:** Next TPZ Subcommittee meetings scheduled for June 12th, 19nd, and 26th.
Todd Dumais provided an update, no action taken.

MEETING ADJOURNED: 9:40 P.M.

U: shareddocs/TPZ/Minutes/2019/June 3_Final